

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WHITNEY YOUNG and MARY KOKSTIS, a
married couple,

Plaintiffs,

v.

FUTURE MOTION, INC.,

Defendant.

CASE NO. 2:22-cv-01701-JNW

**STIPULATED MOTION TO STAY
PROCEEDINGS PENDING
TRANSFER AND COORDINATION
DECISION BY THE JUDICIAL
PANEL ON MULTIDISTRICT
LITIGATION**

**NOTE FOR MOTION CALENDAR:
September 1, 2023**

Plaintiffs Whitney Young and Mary Kokstis (“Plaintiffs”) and Defendant Future Motion, Inc. (“Defendant”), through their respective undersigned counsel and pursuant to the Court’s inherent authority to manage its docket, hereby jointly move the Court for an Order to stay all proceedings in this action, pending the decision of the Judicial Panel on Multidistrict Litigation (“JPML”) to transfer and coordinate this and other similar actions in a Multidistrict Litigation (“MDL”). The parties stipulate that, if the JPML declines to transfer this case, all deadlines will be extended to begin 14 days after the JPML issues its decision, starting with Plaintiffs’ expert disclosures and Defendant’s responses to Plaintiffs’ Third Interrogatories and Fourth Requests for Production, served upon Defendant August 16 and 21, 2023, respectively.

1 **1. FACTUAL BACKGROUND**

2 Plaintiffs commenced this action in December 2022 alleging Plaintiff Whitney Young
3 sustained personal injuries arising out the operation of a Onewheel electric skateboard (the
4 “Onewheel”) made and sold by Defendant, and asserting claims sounding in product liability and
5 negligence against Defendant.

6 On or before September 6, 2023, Defendant will file a motion with the JPML, pursuant to
7 28 U.S.C. § 1407, to transfer for coordinated proceedings all federal cases, including this one, which
8 involve common issues of fact and law involving the Onewheel electric skateboard made and sold
9 by Future Motion (hereinafter, the “federal Onewheel-related cases”). Defendant’s motion, which
10 Defendant anticipates the JPML will grant given the number of impacted cases, would transfer this
11 case from this Court to an MDL.
12

13 The parties agree a stay of all proceedings in this action pending the determination of the
14 motion by the JPML will conserve the parties’ resources and promote judicial economy.
15

16 **2. STANDARD OF REVIEW**

17 The authority of a federal court to stay proceedings is well-established. See *Landis v. N. Am.*
18 *Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent
19 in every court to control the disposition of the causes on its docket with economy of time and effort
20 for itself, for counsel, and for litigants.”). “Courts frequently grant stays pending a decision by the
21 MDL Panel regarding whether to transfer a case.” *Hoskinson-Short v. Capital One Fin. Corp.*, No.
22 C19-1218 RSM, 2019 U.S. Dist. LEXIS 152360, at *3 (W.D. Wash. Sep. 5, 2019) (alteration
23 omitted) (quoting *Good v. Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998)).
24

25 **3. DISCUSSION: THE COURT SHOULD STAY PROCEEDINGS**

26 The parties respectfully ask the Court to stay all proceedings in this case pursuant to its

inherent authority to manage its docket. The JPML will review and decide on Defendant's motion to transfer this and other federal Onewheel-related cases to an MDL for coordinated proceedings. Defendant anticipates the JPML will grant its motion, as centralization of the numerous federal Onewheel-related cases will facilitate coordinated discovery, prevent inconsistent rulings, and promote the convenience of the parties and the courts. While this motion is pending, the parties do not wish to expend resources on discovery and other litigation tasks which would be duplicative of actions to be taken in the MDL.

The parties further stipulate and agree that, if the JPML declines to transfer this case, all deadlines in this case will be extended out to 14 days after the JPML issues its decision.

WHEREFORE, Plaintiffs Whitney Young and Mary Kokstis and Defendant Future Motion, Inc., respectfully request that the Court grant the instant Stipulated Motion and stay all proceedings in this case pending the JPML's decision regarding transfer and coordination of this and other federal Onewheel-related cases.

SO STIPULATED this 1st day of September, 2023.

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Attorneys for Defendant

ORDER

It is so ordered.

DATED the 7th day of September, 2023.



Jamal N. Whitehead
United States District Judge